

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILFRED W. NIELSEN,)	
)	
Plaintiff,)	4:05cv3180
)	
vs.)	ORDER
)	ON INITIAL REVIEW
CATHY SHEAIR, et al.,)	
)	
Defendants.)	

This matter is before the court for initial review of the complaint filed by the plaintiff, Wilfred W. Nielsen, a prisoner in the custody of the Nebraska Department of Correctional Services ("DCS"), proceeding in forma pauperis ("IFP"). The court is required to conduct initial review pursuant to 28 U.S.C. § 1915a(a), which states: "The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity."

The plaintiff, who is 67 years old and is serving a life sentence at the Nebraska State Penitentiary, asserts federal civil rights claims pursuant to 42 U.S.C. §1983 against the defendants, employees of DCS, in their individual and official capacities. The plaintiff asserts that the conditions of his confinement have violated the Eighth Amendment to the United States Constitution. In particular, the plaintiff states that the defendants have denied him sufficient food, and for reasons of cost, they have withdrawn from his diet the types of foods doctors have prescribed for his medical conditions. The defendants have also harassed the plaintiff and acted with deliberate indifference to his serious health and medical needs.

This case is assigned to the docket of Senior District Judge Warren K. Urbom. However, a Magistrate Judge may conduct initial review. Judge Urbom has appointed counsel, and summonses have been issued. Initial review of the complaint pursuant to 28 U.S.C. § 1915a(a) is now completed, and the complaint will not be dismissed.

DATED this 7th day of October, 2005.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge